

LOCAL BANKRUPTCY RULE 7027-1

DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS

(a) DEPOSITIONS

- (1) Custody of Original Transcript. The original transcript of a deposition shall, unless otherwise stipulated to on the record at the deposition, after signing and correction or waiver of the same, be sent to the attorney noticing the deposition. Upon request of any party intending to offer deposition evidence at a contested hearing or trial, ~~the original transcript~~ **a copy of the transcript** shall be sent to that party for marking in compliance with subparagraph (2) of this Rule.
- (2) Use of Deposition Evidence in Contested Hearing or Trial. ~~Unless otherwise ordered, each party intending to offer any evidence by way of deposition testimony pursuant to F.R.Civ.P. 32 and F.R.Evid. 803 or 804 shall lodge a copy of the deposition transcript or pages from the transcript to be offered with the clerk at least 10 days before the hearing or trial at which it is to be offered. In appropriate cases and when ordered by the court, the parties shall jointly prepare a deposition summary to be used in lieu of question and answer reading of a deposition at trial.~~ Each party intending to offer any evidence by way of deposition testimony pursuant to F.R.Civ.P. Rule 32 and F.R.Evid. Rules 803 or 804 shall:
 - (A) **Lodge the original deposition transcript and a copy pursuant to this rule with the Clerk at least 10 days before the hearing or trial at which it is to be offered.**
 - (B) **Identify on the copy of the transcript the testimony the party intends to offer by bracketing in the margins the questions and answers that the party intends to offer at trial. The opposing party shall likewise countermark any testimony that it plans to offer. The parties shall agree between themselves on a separate color to be used by each party which shall be consistently used by that party for all depositions marked in the case.**

- (C) Mark objections to the proffered evidence of the other party in the margins of the deposition by briefly stating the ground for the objection.**
- (D) Serve and file notice of the portions of the deposition marked or countermarked by stating the pages and lines so marked, objections made and the grounds indicated therefor. Such notice shall be provided within five days after the party has marked and countermarked or objects to the deposition evidence.**

In appropriate cases and when ordered by the Court, the parties shall jointly prepare a deposition summary to be used in lieu of question and answer reading of a deposition at trial.

(b) INTERROGATORIES AND REQUESTS FOR ADMISSIONS

No party shall, without leave of the court and for good cause shown, serve more than 25 interrogatories (including all subparts) on any other party. A motion for leave to serve additional interrogatories may be made pursuant to regularly noticed motion under Local Bankruptcy Rule 9013-1. Interrogatories and requests for admissions shall be numbered sequentially without repeating the numbers used on any prior set of interrogatories or requests for admissions propounded by that party. The party answering or objecting to interrogatories or requests for admissions shall quote each interrogatory or request in full immediately preceding the statement of any answer or objection thereto. The original of the interrogatories, requests for admissions or requests for the production of documents or to inspect tangible things shall be held by the attorney propounding the interrogatories or requests pending use pursuant to this Local Bankruptcy Rule or further order of the court.

(c) DISCOVERY DOCUMENTS - PROOF OF SERVICE - FILING

The following discovery documents and proofs of service thereof shall not be filed with the clerk until there is a proceeding in which the document or proof of service is in issue:

- (1) Transcripts of depositions upon oral examination
- (2) Transcripts of depositions upon written question
- (3) Interrogatories
- (4) Answers or objections to interrogatories
- (5) Requests for the production of documents or to inspect tangible things
- (6) Responses or objections to requests for the production of documents or to inspect tangible things
- (7) Requests for admissions
- (8) Responses or objections to requests for admission
- (9) Notices of Deposition, unless filing is required in order to obtain issuance of a subpoena in another district
- (10) Subpoena or Subpoena Duces Tecum

When required in a proceeding, only that part of the document which is in issue shall be filed. When filed, discovery documents shall be submitted with (and preferably rubber-banded to) a notice of filing that identifies the date, time and place of the hearing or trial in which it is to be offered. Requests for admission and interrogatories shall comply with the form requirement of Local Bankruptcy Rule 1002-1. Original transcripts of depositions, however, may be bound on the left side, and do not have to be hole-punched or backed. Original deposition transcripts will be treated as trial exhibits and will be delivered to the judge for the hearing or trial. Only an original of a deposition transcript is required, although a copy should also be submitted if available. All such discovery documents shall be held by the attorney pending use pursuant to this Local Bankruptcy Rule for the period specified in Local Bankruptcy Rule 5003-2(b) for the retention of exhibits, unless otherwise ordered by the court.

(d) DISCOVERY DOCUMENTS - DISCLOSURE

Unless an applicable protective order otherwise provides, any entity may obtain copies of any discovery document described in paragraph (c) of this Local Bankruptcy Rule by making a written request therefor to the clerk and paying the reasonable cost of duplication. The clerk shall give notice of the request to all parties in the case or proceeding, and the party holding the original of the requested discovery document shall lodge the original or an authenticated copy with the clerk within 10 days after service of the clerk's notice. Promptly after duplication, the clerk shall return the original to the party who provided it.

Court's Comment

2001 Revision

Paragraph (a)(1) was revised so that a copy of the transcript instead of the original is sent to the party intending to offer deposition evidence at a contested hearing or trial.

Paragraph (a)(2) was replaced with former Local Bankruptcy Rule 120(1)(b) in its entirety with minor revision. Both the original deposition and a copy must be lodged with the clerk. Marking by the parties shall be made on the copy rather than the original. The revision is intended to clarify the procedure for using deposition evidence, and to make the procedure consistent with that of the district court.

1998 Revision

Paragraphs (a)(2)(B)-(D) deleted, although the court may order the marking of deposition transcripts as previously provided by these subsections.

Paragraph (b). *Thirty* interrogatories changed to *25* to conform to F.R.Civ.P.33(a); *An application* changed to *A motion*.

Paragraph (c). *Proof of service* in first line changed to *proofs of service*; *must* changed to *shall* in second and third sentences of last paragraph.